

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHN KLOSTERMAN

Plaintiff,

v.

SEDAMSVILLE COMMUNITY
DEVELOPMENT CORPORATION, *et al.*,

Respondent.

Case No. 1:20-cv-119
JUDGE DOUGLAS R. COLE
Magistrate Judge Bowman

ORDER

This cause comes before the Court on the Magistrate Judge's November 3, 2020 Report and Recommendation ("R&R"), Doc. 67). The Magistrate Judge recommends that the Court: (1) **DENY AS MOOT** the following motions: Plaintiff John Klosterman's Motion for Default Judgment (Doc. 35); Klosterman's Motion to Disqualify Counsel for City Defendants (Doc. 55); and Klosterman's Motion to Dismiss (Doc. 56); (2) **DENY** Klosterman's Motion for a Temporary Restraining Order (Doc. 64); and (3) **GRANT** the following motions: City Defendants' Motion to Dismiss (Doc. 27); Defendant the Honorable Bernie Bouchard's Motion to Dismiss (Doc. 33); Defendants Patricia A. Burke and Sedamsville Community Development Corporation's Motion for Judgment on the Pleadings (Doc. 51); Defendants Sedamsville Civic Association and Cindy Bastin's Motion for Judgment on the Pleadings (Doc. 52); and Defendants Hamilton County Landbank, Kelley Allesee, and Jessica Powell's Motion for Judgment on the Pleadings (Doc. 53).

The R&R advised all parties that failure to object within the 14 days specified by the R&R may result in forfeiture of rights on appeal, which includes the right to District Court review. (See R&R, Doc. 67, #356¹); *see also Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019) (noting “fail[ure] to file an objection to the magistrate judge’s R & R ... is forfeiture”); 28 U.S.C. § 636(b)(1)(C). Nearly two months have now passed, and Klosterman has yet to file an objection to the R&R.

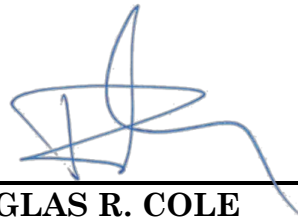
Therefore, the Court **ADOPTS** the Report and Recommendation (Doc. 67) and **DENIES AS MOOT**: Klosterman’s Motion for Default Judgment (Doc. 35); Klosterman’s Motion to Disqualify Counsel for City Defendants (Doc. 55); and Klosterman’s Motion to Dismiss (Doc. 56); **DENIES** Klosterman’s Motion for a Temporary Restraining Order (Doc. 64); and **GRANTS** City Defendants’ Motion to Dismiss (Doc. 27); Defendant the Honorable Bernie Bouchard’s Motion to Dismiss (Doc. 33); Defendants Patricia A. Burke and Sedamsville Community Development Corporation’s Motion for Judgment on the Pleadings (Doc. 51); Defendants Sedamsville Civic Association and Cindy Bastin’s Motion for Judgment on the Pleadings (Doc. 52); and Defendants Hamilton County Landbank, Kelley Allesee, and Jessica Powell’s Motion for Judgment on the Pleadings (Doc. 53). The Court **DIRECTS** the Clerk to enter judgment accordingly.

¹ Refers to PageID#.

SO ORDERED.

December 29, 2020

DATE



DOUGLAS R. COLE

UNITED STATES DISTRICT JUDGE